

REMARKS

Claims 1, 4, 5, and 11-14 in application serial number 10/537717 to applicants Beer and Althaus are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,731,882 to Althaus et al (referred to herein as "Althaus '882") in view of U.S. Patent 6,393,169 to Paniccia et al. (referred to herein as "Paniccia '169"). Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Althaus '882 in view of Paniccia '169 and further in view of U.S. Patent 4,875,750 to Spaeth et al. Claims 6, 7, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over 'Althaus '882 and Paniccia '169. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Althaus '882 and Paniccia '169 and further in view of U.S. Patent 4,969,712 to Westwood et al.. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Althaus '882 and Paniccia '169 and further in view of DE 4422322 to ANT Nachrichtentechnik. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 21 is allowed.

The Applicants have carefully reviewed the prior art cited by the Examiner. The balance of these remarks will address the Examiner's rejections and the cited Prior art.

Claim Rejections

Claims 1, 4, 5, 8, and 11-14

Examiner rejected claims 1, 4, 5, 8, and 11-14 under 35 U.S.C. 103(a) as being unpatentable over Althaus '882 in view of Paniccia '169. Applicants respectfully disagree with Examiner's rejection of claims 1, 4, 5, 8, and 11-14 and submit that the provisions of 35 U.S.C. 103(c)(1) apply. In Applicants' opinion, Althaus '882 is not a valid reference for rejection of Applicants' claims because the subject matter of Althaus '882 and the invention described and claimed by Applicants were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Application 10/537717 was assigned by inventors Gottfried Beer and Hans-Ludwig Althaus to Infineon Technologies AG, St.-Martin-Strasse 53, Munich, Germany 81669, as indicated in assignment records on file with the U.S.P.T.O. at Reel/Frame 022403/0330. A copy of patent assignment information from Reel/Frame 022403/0330 is included for the convenience of the Examiner in Appendix A of this reply.

Application 10/537717 is a U.S. national stage application under 35 U.S.C 371(c) of international application PCT/DE2002/004509 filed on 05-12-2002. International application PCT/DE2002/004509 was owned by Infineon Technologies AG, St.-Martin-Strasse 53, Munich, Germany 81669, as indicated in WIPO bibliographic records for the application. A copy of the WIPO bibliographic data for application PCT/DE2002/004509 is included for the convenience of the Examiner in Appendix A of this reply.

An assignment of Althaus '882 from the inventors to Infineon Technologies AG, St.-Martin-Strasse 53, Munich, Germany 81669 was executed on 10-24-2000 and is recorded in U.S.P.T.O assignment records at Reel/Frame 015110/0855. A copy of the U.S.P.T.O. Patent Assignment Abstract of Title for Althaus '882 is included for the convenience of the Examiner in Appendix A of this reply.

Applicants respectfully submit that Althaus '882 is not a valid reference for combination with Paniccia '169 because Althaus '882 and application 10/537717 were both owned by Infineon Technologies AG at the time the claimed invention was made. The remaining references do not describe all elements of Applicants' claimed invention. Applicants further submit that inventor Hans-Ludwig Althaus in the subject application and inventor Hans-Ludwig Althaus from Althaus '882 are one in the same person. For all these reasons, Applicants respectfully request withdrawal of the rejection of claims 1, 4, 5, 8, and 11-14.

Claims 2 and 3

Examiner rejected claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Althaus '882 and Paniccia '169 and further in view of U.S. Patent 4,875,750 to Spaeth et al.

Applicants respectfully disagree with Examiner's rejection of claims 2 and 3. As previously explained with regard to claims 1, 4, 5, 8, and 11-14, in Applicants' opinion Althaus '882 is not a valid reference for rejection of Applicants' claims. The remaining references do not describe all elements of Applicants' claimed invention. Also, inventor Hans-Ludwig Althaus in the subject application and inventor Hans-Ludwig Althaus from U.S. Patent 4,875,750 to Spaeth et al. are one and the same person. For all these reasons, Applicants respectfully request withdrawal of the rejection of claims 2 and 3.

Claims 6, 7, 18, and 19

Examiner rejected claims 6, 7, 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Althaus '882 and Paniccia '169. Examiner further remarked with regard to claim 6 and claim 18 that an index matching material in interfacial regions is well known in the art. Examiner also remarked with regard to claim 7 that usage of a plano-convex lens may not be inventive. With regard to claim 19, Examiner remarked that duplication of working parts already disclosed involves routine skill in the art.

Applicants respectfully disagree with Examiner's rejection of claims 6, 7, 18, and 19. As previously explained with regard to claims 1, 4, 5, 8, and 11-14, in Applicants' opinion Althaus '882 is not a valid reference for rejection of Applicants' claims. The remaining references do not describe all elements of Applicants' claimed invention. Furthermore, claims 6 and 7 depend from claim 5, which Applicants have previously shown to be allowable. Claim 18 depends from claim 17, which Applicants show in discussion below to be allowable. Claim 19 depends from claim 18. Because claims 6, 7, 18, and 19 depend from claims which have been shown to be allowable, and each of these claims includes a limitation which does not appear in the claims from which they depend, in Applicants' opinion these claims are also allowable. Applicants respectfully request allowance of claims 6, 7, 18, and 19.

Claims 10 and 20

Examiner rejected claims 10 and 20 under 35 U.S.C. 103(a) as being unpatentable over Althaus '882 and Paniccia '169 and further in view of U.S. Patent 4,969,712 to Westwood et al. Applicants respectfully disagree with Examiner's rejection of claims 10 and 20. As previously explained with regard to claims 1, 4, 5, 8, and 11-14, in Applicants' opinion Althaus '882 is not a valid reference for rejection of Applicants' claims. The remaining references do not describe all elements of Applicants' claimed invention. For these reasons, Applicants respectfully request withdrawal of the rejection of claims 10 and 20.

Claims 15-17

Examiner rejected claims 15-17 under 35 U.S.C. 103(a) as being unpatentable over Althaus '882 and Paniccia '169 and further in view of DE 4422322 to ANT Nachrichtentechnik. Applicants respectfully disagree with Examiner's rejection of claims 15-17. As previously

explained with regard to claims 1, 4, 5, 8, and 11-14, in Applicants' opinion Althaus '882 is not a valid reference for rejection of Applicants' claims. The remaining references do not describe all elements of Applicants' claimed invention. For these reasons, Applicants respectfully request withdrawal of the rejection of claims 15-17.

Claim Objection

Claim 9

Examiner objected to claim 9 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that claim 9 depends from claim 8 which has previously been shown to be in allowable form. Applicants therefore respectfully request withdrawal of Examiner's objection and allowance of claim 9.

Miscellaneous

Claim 21

Applicants gratefully acknowledge Examiner's allowance of claim 21.

Specification

Box 9 of the Application Papers section of the Office Action Summary is checked to indicate the specification is objected to by the Examiner. Applicants have not found comments regarding an objection to the specification in the Office Action of 01-16-09 and therefore believe the box may have been checked by mistake. If Applicants' position is in error, Examiner is respectfully requested to provide Applicants with specific information regarding an objection to the specification.

CONCLUSION

For all the reasons above, Applicants submit that the claims all define novel subject matter that is nonobvious. Therefore, allowance of these claims is submitted to be proper and is respectfully requested.

Applicants invite the Examiner to contact Applicants' representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Very respectfully submitted,

A handwritten signature in black ink, appearing to read "Phillip M. Wagner", followed by a long horizontal line extending to the right.

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Appendix A

Attachments to Response to Office Action Mailed January 16, 2009

Contents:

Page	Description
13	Copy of assignment information for Application No. 10/537,717 at U.S.P.T.O. Assignment Reel/Frame 022403/0330, showing assignee Infineon Technologies AG (first inventor's name misspelled as Beet, Gottfried, should be Beer, Gottfried)
14	Copy of WIPO bibliographic data for International Application No. PCT/DE2002/004509, showing applicants Infineon Technologies AG, Beer, and Althaus
15	Copy of U.S.P.T.O. Patent Assignment Abstract of Title for U.S. Patent 6,731,882 to Althaus et al. at U.S.P.T.O Assignment Reel/Frame 015110/0855 showing assignee Infineon Technologies AG



Assignments on the Web > Patent Query

Patent Assignment Details

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Reel/Frame: 022403/0330

Pages: 3

Recorded: 03/16/2009

Attorney Dkt #: 475-012U

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Total properties: 1

1 **Patent #:** NONE **Issue Dt:** **Application #:** 10537717 **Filing Dt:** 12/06/2007
Publication #: US20080101750 **Pub Dt:** 05/01/2008
Title: Optical Transmitter and/or Receiver Assembly Comprising a Planar Optical Circuit

Assignors

1 BEET, GOTTFRIED **Exec Dt:** 06/29/2005
2 ALTHAUS, HANS-LUDWIG **Exec Dt:** 07/01/2005

Assignee

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Search Results as of: 06/12/2009 12:00 PM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2

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(WO/2004/051335) OPTICAL TRANSMITTER AND/OR RECEIVER ASSEMBLY COMPRISING A PLANAR OPTICAL CIRCUIT

Biblio. Data Description Claims National Phase Notices Documents

Latest bibliographic data on file with the International Bureau

Pub. No.: WO/2004/051335 International Application No.: PCT/DE2002/004509
Publication Date: 17.06.2004 International Filing Date: 05.12.2002
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IPC: G02B 6/42 (2006.01)

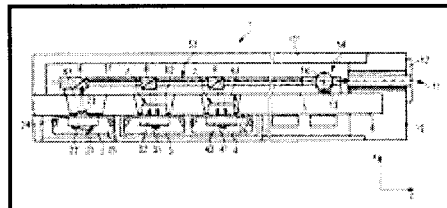
Applicants: INFINEON TECHNOLOGIES AG [DE/DE]; St.-Martin-Strasse 53, 81669 München (DE) (All Except US).
BEER, Gottfried [DE/DE]; (DE) (US Only).
ALTHAUS, Hans-Ludwig [DE/DE]; (DE) (US Only).

Inventors: BEER, Gottfried; (DE).
ALTHAUS, Hans-Ludwig; (DE).

Agent: MÜLLER, Wolfram, H.; c/o Patentanwälte, Maikowski & Ninnemann, Postfach 15 09 20, 10671 Berlin (DE).

Title: (EN) OPTICAL TRANSMITTER AND/OR RECEIVER ASSEMBLY COMPRISING A PLANAR OPTICAL CIRCUIT
(DE) OPTISCHE SENDE- UND/ODER EMPFANGSANORDNUNG MIT EINEM PLANAREN OPTISCHEN SCHALTKEIS

Abstract: (EN) The invention relates to an optical transmitter and/or receiver assembly comprising at least one transmitter component (2) and/or at least one receiver component (3, 4), in addition to a planar optical circuit (5) with at least one integrated waveguide (51). According to the invention, light from the transmitter element (1) is coupled into a waveguide (51) of the planar optical circuit (5) and/or light from the waveguide (51) of the planar optical circuit (5) is uncoupled and guided onto the receiver component (3, 4). The assembly is provided with a lens (14, 15) for optically coupling the waveguide(s) (51) of the planar optical circuit (5) to a fibre-optic that can be fixed to the transmitter and/or receiver assembly (1), said lens (14, 15) being positioned on the planar optical circuit (5).



(DE) Die Erfindung betrifft eine optische Sende- und/oder Empfangsanordnung mit mindestens einem Sendebauэлеment (2) und/oder mindestens einem Empfangsbauэлеment (3, 4) sowie einem planaren optischen Schaltkreis (5) mit mindestens einem integrierten Wellenleiter (51), wobei Licht des Sendebauelements (1) in einen Wellenleiter (51) des planaren optischen Schaltkreises (5) eingekoppelt und/oder Licht aus dem Wellenleiter (51) des planaren optischen Schaltkreises (5) ausgekoppelt und auf das Empfangsbauэлеment (3, 4) geleitet wird. Erfindungsgemäss ist eine Linse (14, 15) zur optischen Kopplung des mindestens einen Wellenleiters (51) des planaren optischen Schaltkreises (5) mit einer an der Sende- und/oder Empfangsanordnung (1) befestigbaren Lichtleitfaser vorgesehen, wobei die Linse (14, 15) an dem planaren optischen Schaltkreis (5) angeordnet ist.

Designated CN, US.

States: European Patent Office (EPO) (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SI, SK, TR).

Publication Language: German (DE)

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Assignments on the Web > **Patent Query**

Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 3

Patent #: 6731882

Issue Dt: 05/04/2004

Application #: 09680038

Filing Dt: 10/05/2000

Inventors: Hans Ludwig Althaus, Klaus Panzer, Geldard Kuhn

Title: LEADFRAME-BASED OPTOELECTRONIC BIDIRECTIONAL TRANSMITTING AND RECEIVING MODULE

Assignment: 1

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Exec Dt: 10/24/2000

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Exec Dt: 10/24/2000

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Assignment: 2

Reel/Frame: 017615/0083

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Assignment: 3

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Assignor: INFINEON TECHNOLOGIES AG

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Assignee: INFINEON TECHNOLOGIES FIBER OPTICS GMBH

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